

REMARKS

Claims 1 to 15 and 17 to 28 will be pending in the application following entry of the foregoing amendments. Claims 1, 15, 17 to 20, 25, and 27 have been amended, and claim 16 has been canceled, without prejudice, herein. No new claims have been added.

Applicants acknowledge with appreciation the Examiner's indication that claims 26 and 28 would be allowable if rewritten in independent form to include all the limitations of the base and intervening claims.

Applicants respectfully request reconsideration of the rejections of record in view of the foregoing amendments and the following remarks.

Objection to the Specification

The specification has been objected to due to the presence of an inadvertent typographical error in the paragraph spanning lines 8 to 10 of page 1. The error has been corrected by replacing the term "WO 02/069393" with the term "WO 02/068,393" in line 10 of page 1. No new matter has been added. Applicants respectfully request withdrawal of the objection.

Alleged Indefiniteness

A. Claims 1, 25, and 27 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for recitation of the phrase "derivative or biostere." The Office Action asserts that the meaning of the terms "derivative" and "biostere" is unclear. Without conceding the correctness of the assertion, and to advance prosecution, claims 1, 25, and 27 have been amended to replace the phrase "a derivative or biostere thereof" with the phrase "an acyclic or cyclic carboxylic acid ester, an amide, tetrazole, phosphonic acid, phosphinic acid, sulphonic acid, sulphinic acid, boronic acid, or an acylsulphonamide group." Support for the amendments is found throughout the specification as originally filed, including, for example, page 7, line 27 to page 8, line 2. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

B. Claims 1, 25, and 27 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite because it is allegedly unclear which atoms are defined by R^x , R^y , and

R^z. Applicants respectfully submit that those skilled in the art would readily understand which atoms are encompassed by the definition of R^x, R^y, and R^z, once placed in possession of the teachings of the present application. Specifically, R^x, R^y, and R^z are defined as an atom or group -L¹(Alk¹)_n(R³)_v. If, for example, n is 0, L¹ is a covalent bond, and v is 1, R^x, R^y, and R^z could be a hydrogen or halogen atom, as defined by R³. Nevertheless, to advance prosecution, claims 1, 25, and 27 have been amended to delete the phrase "an atom or group" in the definition of R^x, R^y, and R^z. No new matter has been added. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

C. Claims 1, 25, and 27 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite because it is allegedly unclear which atoms or groups are encompassed by the phrase "linker atom or group" in the definition of L¹. Without conceding the correctness of the assertion, and to advance prosecution, claims 1, 25, and 27 have been amended to replace the phrase "a linker atom or group" with the phrase "an -O-, -S-, or -Se-atom or an -C(O)-, -C(O)O-, -OC(O)-, -C(S)-, -S(O)-, -S(O)₂-, -N(R⁸)-, -CON(R⁸)-, -OC(O)N(R⁸)-, -CSN(R⁸), -N(R⁸)CO-, -N(R⁸)C(O)O-, -N(R⁸)CS-, -S(O)₂N(R⁸)-, -N(R⁸)S(O)₂-, -N(R⁸)O-, -ON(R⁸)-, -N(R⁸)N(R⁸)-, -N(R⁸)CON(R⁸)-, -N(R⁸)CSN(R⁸)-, or -N(R⁸)SO₂N(R⁸)- group." Support for the amendments is found throughout the specification as originally filed, including, for example, page 11, lines 1 to 4 and page 4, lines 24 to 30. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

D. Claims 1, 25, and 27 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite for recitation of the phrase "heteroaliphatic chain" because the type, number, and location of the heteroatoms within the aliphatic chain is allegedly unclear. Without conceding the correctness of the assertion, and to advance prosecution, the definition of Alk¹ in claims 1, 25, and 27 has been amended to recite that Alk¹ is an optionally substituted aliphatic chain or an optionally substituted heteroaliphatic chain containing one to four -O- or -S- atoms or -C(O)-, -C(O)O-, -OC(O)-, -C(S)-, -S(O)-, -S(O)₂-, -N(R⁸)-, -CON(R⁸)-, -OC(O)N(R⁸)-, -CSN(R⁸), -N(R⁸)CO-, -N(R⁸)C(O)O-, -N(R⁸)CS-, -S(O)₂N(R⁸)-, -N(R⁸)S(O)₂-, -N(R⁸)O-, -ON(R⁸)-, -N(R⁸)N(R⁸)-, -N(R⁸)CON(R⁸)-,

-N(R⁸)CSN(R⁸)-, or -N(R⁸)SO₂N(R⁸)- groups that interrupt or are at the terminus of the aliphatic chain. Support for the amendments is found throughout the specification as originally filed, including, for example, page 11, lines 19 to 26 and lines 1 to 4. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

E. Claims 15, 17, and 18 have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite because Alk⁷ is not defined. Without conceding the correctness of the rejection, and to advance prosecution, claims 15, 17, and 18 have been amended to recite a definition for Alk⁷. Support for the amendments is found throughout the specification as originally filed, including, for example, page 8, line 4 to page 10, line 6. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

F. Claim 16 has been rejected under 35 U.S.C. § 112, second paragraph as indefinite because the difference between the first compound of formula (1) and the second compound of formula (1) to which the first compound is interconverted is allegedly unclear. Without conceding the correctness of the assertion, and to advance prosecution, claim 16 has been canceled and claims 17 and 18 have been amended to depend from claim 1, rather than from claim 16. No new matter has been added. The rejection has been obviated, and Applicants respectfully request withdrawal thereof.

G. Claims 19 and 20 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite because it is allegedly unclear which atoms are defined by R¹⁶, R¹⁷, and R¹⁸. Without conceding the correctness of the assertion, and to advance prosecution, claims 19 and 20 have been amended to delete the phrase "an atom or group" in the definition of R¹⁶, R¹⁷, and R¹⁸. No new matter has been added.

Claims 19 and 20 have also have been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite because L³, Alk², L⁴, R⁵, and u are not defined. Without conceding the correctness of the rejection, and to advance prosecution, claims 19 and 20 have been amended to recite definitions for L³, Alk², L⁴, R⁵, t, and u. Support for the amendments is found throughout the specification as originally filed, including, for example, page 4, lines 9 to 30. The rejections have been obviated, and Applicants respectfully request withdrawal thereof.

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Alleged Obviousness

Claims 1 to 24 have been rejected under 35 U.S.C. § 103(a) as allegedly obvious over published PCT application number WO 02/068,393 (hereinafter "the Bailey application"). Applicants respectfully request withdrawal of the rejection because the Bailey application is not prior art with respect to the present application. Specifically, the Bailey application is not available as prior art under 35 U.S.C. § 102(e) because it does not designate the United States. M.P.E.P. § 1857.01. In addition, the Bailey application is not available as prior art under 35 U.S.C. § 102(a) because its publication date of September 6, 2002 post dates the July 17, 2002 priority date of the present application.

Alleged Anticipation

Claim 25 has been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by the Bailey application. Applicants respectfully request withdrawal of the rejection because the Bailey application is not prior art with respect to the present application for the reasons stated above in connection with the obviousness rejection.

Miscellaneous

Certain amendments have been made to claims 1, 25, and 27 to improve their clarity and readability. No new matter has been added.

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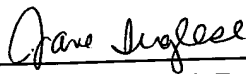
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Conclusion

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable action is respectfully requested.

Respectfully submitted,

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